

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DAVID REED,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. CIV-09-939-C
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Respondents.	)	

ORDER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on September 15, 2009, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The sole objection raised by Petitioner to the Report and Recommendation of Judge Purcell is that because he did not waive or consent to jurisdiction before a magistrate judge, the entire proceeding is flawed. Petitioner misapprehends the procedure under 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has not entered a judgment, but rather a report and recommendation to this Court that the petition be denied for lack of jurisdiction. The factual basis for the recommendation has not been challenged and has been correctly stated in the Report and Recommendation. Moreover, the law upon which Judge Purcell bases his

recommendation is accurately stated and presents an unsurmountable bar to the relief requested by Petitioner in this Court.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, denies this petition for habeas corpus relief. A judgment will enter accordingly.

IT IS SO ORDERED this 6th day of October, 2009.



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ROBIN J. CAUTHRON  
United States District Judge